

## **REMARKS**

### **The Amendments**

The claims are amended to direct them to the elected subject matter pursuant to the restriction requirement. The amendments were not made for reasons related to patentability. The amendments should not be interpreted as an acquiescence to any objection or rejection made in this application.

To the extent that the amendments avoid the prior art or for other reasons related to patentability, competitors are warned that the amendments are not intended to and do not limit the scope of equivalents which may be asserted on subject matter outside the literal scope of any patented claims but not anticipated or rendered obvious by the prior art or otherwise unpatentable to applicants. Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

### **The Restriction Requirement**

The restriction requirement is believed to be rendered moot since applicants have directed the claims to the scope of subject matter that was indicated at page 2, paragraph 5, of the Office Action to have been examined following the restriction requirement.

### **The Provisional Same-type Double Patenting Rejection**

The provisional rejection for same-type double patenting under 35 U.S.C. §101 over copending application Ser. No. 10/870,491 is believed to be rendered moot by the above amendments. The instant claims are now clearly of a distinctly different scope than the claims pending in the copending application.

**The Provisional Obviousness-type Double Patenting Rejection**

The provisional obviousness-type double patenting rejection over claims of the copending application, Ser. No. 10/870,491, is respectfully traversed. This is a provisional rejection. The alleged conflicting claims in the copending application are not allowed. And this application is the first-filed of the two applications. In this situation and in the event the other rejections herein are withdrawn, it is believed that this provisional rejection cannot be maintained as the sole basis for rejection herein. See MPEP § 804(I)(B).

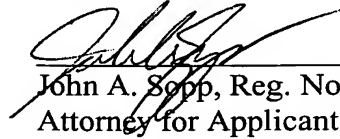
**The Rejection under 35 U.S.C. §112, second paragraph**

It is believed that the rejection of claims 1-3 under 35 U.S.C. §112, second paragraph, is rendered moot by the above amendments which remove or modify the objected to language.

It is submitted that the claims are in condition for allowance. However, the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
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